

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8256 of 2022

Harekrushna Rout

....

Petitioner

Mr. Ashis Kumar Mishra, *Advocate*

-versus-

State of Odisha

....

Opp.Party

Mr. Sitikant Mishra, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER

26.09.2022

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel for the State. Perused the case records.
 3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
 4. It is submitted by the learned counsel for the Petitioner that the Petitioner while working as the Addl. Tahsildar has passed some orders illegally by which lands have been mutated in favour of certain persons. Thereafter certain irregularities were found in the said order passed by the Tahsildar, Balangir, which carried in appeal before the appellate authority, i.e., the Sub-Collector, Bolangir. An additional affidavit filed by the learned counsel for the Petitioner contains certain documents, which reveal that the appellate authority has already cancelled the mutation order passed by the Tahsildar,

Balangir and further it is seen that the lands in question have been recorded in the name of the original recorded owner.

5. Considering the submissions advanced, seriousness of the allegation, gravity of the offence and the facts of the case, I am not inclined to grant anticipatory bail to the Petitioner. However, it is directed that, in the event the Petitioner surrenders before the learned S.D.J.M, Bolangir in G.R. Case no.884 of 2022 arising out of Bolangir Sadar P.S. Case No.249 of 2022 within a period of three weeks from today and moves for bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate in the facts and circumstances of the case.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioner shall appear before the trial court on each and every date fixed, without fail.
- (ii) He shall not tamper with the prosecution evidence and shall not threaten, influence, terrorise or harass the prosecution witnesses in any manner whatsoever, while on bail.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge